

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CIV. 7685

-----X  
ANTHONY REALA,

NOTICE OF REMOVAL

Plaintiff,

Docket No. [ ]

-against-

CHICK-FIL-A, INC., JOHN DOE and ABC  
CORPORATION (fictitious name, true name being  
unknown to undersigned),

Defendants.  
-----X

JUDGE CORNER

Defendant, CHICK-FIL-A, INC., through its attorneys, RENDE, RYAN & DOWNES, LLP, respectfully states upon information and belief:

1. On August 12, 2008, defendant received the Summons and Complaint in this action which is currently pending in the Supreme Court of the State of New York, Richmond County. A copy of the Summons and Complaint is annexed hereto as Exhibit "A". The Summons and Complaint constitute the prior pleadings to date.

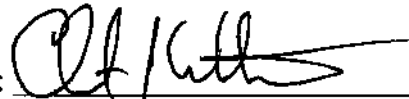
2. CHICK-FIL-A, INC. is removing this action because defendant, CHICK-FIL-A, INC., is a citizen of the State of Georgia. Thus, the above-entitled action is a civil action of which this Court has original jurisdiction under the provisions of Title 28, U.S.C. §1332 and is one which may be removed to this Court by the defendant herein pursuant to the provisions of Title 28, U.S.C. §1441.

WHEREFORE, defendant prays that the action now pending against it in the Supreme Court of the State of New York in and for the County of Richmond be removed therefrom to this Court.

Dated: September 2, 2008  
White Plains, New York

Yours, etc.,

RENDE, RYAN & DOWNES, LLP.

By:   
CHRISTOPHER J. WHITTON (CW8380)

Attorneys for Defendant

CHICK-FIL-A, INC.

202 Mamaroneck Avenue

White Plains, New York 10601

(914) 681-0444

TO: Victor J. Horowitz  
Attorney for Plaintiff  
305 Broadway  
New York, New York 10007  
212-227-1500

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND**

**ANTHONY REALA,**

**Plaintiff(s)**

**-against-**

**CHICK-FIL-A, INC.; JOHN DOE and ABC  
CORPORATION (fictitious name, true name being unknown  
to undersigned),**

**Defendant(s)**

Index No.:

Date purchased:

102624108  
6-17-08

Plaintiff(s) designate(s)

**RICHMOND**

County as the place of trial

The basis of venue is place of residence

**SUMMONS**

Plaintiff(s) reside(s) at:

144 Dewey Avenue  
Staten Island, NY 10308  
County of Richmond

To the above named Defendant(s):

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff(s) Attorney(s) within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear and answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: June 13, 2008

VICTOR J. HOROWITZ  
Attorney for Plaintiff(s)  
Office & P.O. Address  
305 Broadway  
New York, New York 10007

DEFENDANT(S) ADDRESS(ES):

CHICK-FIL-A, INC.  
c/o Secretary of State

CLERK  
COUNTY OF RICHMOND  
17 AUG 21 2008  
COURT

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

Index No.: 102624/08

ANTHONY REALA,

Plaintiff(s)

-against-

CHICK-FIL-A, INC.,

Defendant(s)

COMPLAINT

The plaintiff, above named, complaining of the defendants, by his attorney, VICTOR J. HOROWITZ, respectfully alleges as follows:

AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF THE PLAINTIFF

1. That at all times hereinafter mentioned, the defendant, CHICK-FIL-A, INC., was and still is a domestic corporation duly authorized to do business within the State of New York
2. That at all times hereinafter mentioned, the defendant, CHICK-FIL-A, INC., was and still is a foreign corporation duly authorized to do business within the State of New York
3. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., was the owner of the business and/or premises located at 7910 Rea Road, Charlotte, NC 28277.
4. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents, servants and/or employees operated the aforesaid business and/or premises.
5. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents, servants and/or employees managed the aforesaid business and/or premises.
6. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents, servants and/or employees controlled the aforesaid business and/or premises.
7. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents, servants and/or employees maintained the aforesaid business and/or premises.
8. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents, servants and/or employees repaired the aforesaid business and/or premises.
9. That at all times herein mentioned, the defendant CHICK-FIL-A, INC., its agents,

WHEREFORE, the plaintiff demands judgment against the defendant in a sum which exceeds the jurisdiction of the lower courts, together with the costs and disbursements of this action.

Dated: June 13, 2008

Yours, etc.

VICTOR J. HOROWITZ  
Attorney for Plaintiff  
Office & P.O. Address  
305 Broadway  
New York, New York 10007  
(212) 227-1500

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STATE OF NEW YORK )

COUNTY OF RICHMOND )

:ss

VICTOR J. HOROWITZ, being duly sworn says, he is the attorney for the plaintiff in the above entitled action. He has read the foregoing Complaint and knows the contents therein stated to be alleged upon information and belief and that as to those matters he believes them to be true.

Deponent further states the reason why this verification is not made by the plaintiff is that the said plaintiff upon information and belief does not reside within the County of New York wherein deponent has his office. That the grounds of deponent's belief as to all matters not therein stated to be alleged upon his knowledge are investigations and information received by deponent in the course of his duties as an attorney for the said plaintiff.

Affirmed: New York, New York  
June 13, 2008



VICTOR J. HOROWITZ

**CERTIFICATION**

The following papers are certified pursuant to Section 130-1.1-a of the Rules of the Chief Administrator (22NYCRR):

**SUMMONS and COMPLAINT****VICTOR J. HOROWITZ**By: 

VICTOR J. HOROWITZ  
305 Broadway  
New York, New York 10007  
(212) 227-1500

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RICHMOND

ANTHONY REALA,

Plaintiff(s)

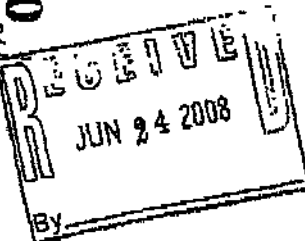
-against-  
CHICK-FIL-A, INC.; JOHN DOE and ABC CORPORATION (fictitious name, true name being  
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SUMMONS and COMPLAINT

Victor J. Horowitz  
Attorney for Plaintiff  
Office & P.O. Address  
305 Broadway  
New York, New York 10007  
(212) 227-1500

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